United Nations A/54/439

General Assembly

Distr.: General
6 October 1999

Original: English

Fifty-fourth session
Agenda item 116 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and terrorism

Report of the Secretary-General

1. By resolution 52/133 of 12 December 1997, the General Assembly recalled previous resolutions on human rights and terrorism of the Commission on Human Rights and the Subcommission on the Promotion and Protection of Human Rights, and *inter alia*, called upon States to take all necessary and effective measures in accordance with relevant provisions of international law to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed.

2. By the same resolution, the Assembly requested the Secretary-General to seek the views of Member States on the implications of terrorism, in all its forms and manifestations, for the full enjoyment of all human rights and fundamental freedoms and to submit a report on the subject to the Assembly at its fifty-fourth session.

3. The present report, submitted pursuant to the above-mentioned request, indicates, in summary fashion, the content of the replies received from the Governments that responded to a note verbale dated 16 August 1999, namely, Azerbaijan, Egypt, Nepal, Turkey and Yugoslavia.

4. The Government of Azerbaijan sent information concerning terrorist activities directed against it. This information had appeared in the annex to the letter dated 9 April 1997 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights (E/CN.4/1997/138), which was circulated at the fifty-third session of the Commission on Human Rights.

5. In its reply, the Government of Egypt indicated that it considered itself a pioneer in combating terrorism, and it stressed the serious repercussions of such activities on the enjoyment of human rights and fundamental freedoms, including the right to democracy. The Government condemned every act of terrorist violence and supported the consolidation of cooperation at the international, regional and national levels. For example, the Government had recently called for the convening of an international summit under the auspices of the United Nations to develop precise plans of action on terrorism and to elaborate an international instrument to eradicate terrorism. In that regard, it was noted that, on 8 December 1998, the General Assembly had adopted resolution 53/108, in which it bore in mind that the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, had reaffirmed its collective position on terrorism and as a recent initiative had called for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. The Government of Egypt further emphasized that among the basic elements of terrorism must

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be counted the threat it poses to the right to life and to the right to development, which took the form of attacks against the tourist industry. Moreover, terrorism might be used to incite people to act against the existing social order, threatening not only the direct victims but society as a whole. In that connection, every Government had the right to take all necessary measures against terrorism in conformity with international law; for example, they must refrain from offering asylum to terrorist elements in conformity with the obligations to that effect contained in the 1951 Convention relating to the Status of Refugees. The Government wished to distinguish terrorism from armed struggle against colonial or other alien domination to exercise the legitimate right of self-determination. On the other hand, religion could not be used as a justification for terrorism. The Government of Egypt emphasized that it supported international mechanisms on terrorism and had taken part in the adoption of resolutions and decisions at many levels pertaining to terrorism. Finally, it welcomed the initiative by the Secretary-General to establish a unit within the United Nations Centre for International Crime Prevention at Vienna to deal with the international problem of terrorism, and expressed the belief that such a unit could play an effective role in combating terrorism, urging States to ratify the existing conventions and ensuring better coordination of international efforts to combat terrorism.

6. In its reply, the Government of Nepal emphasized its legal and institutional commitment to the promotion and protection of human rights in the country, and indicated that it had signed, acceded to or ratified 16 major international human rights instruments. The Government also drew attention to the technical cooperation project concluded with the Office of the High Commissioner for Human Rights in October 1996, a number of elements of which had been completed. It emphasized its view that there existed a strong nexus between human rights and terrorism and its opposition to terrorism in all its forms and manifestations, in particular as a threat to the social fabric of the country. Finally, the Government of Nepal recalled that it was a party to the South Asian Association for Regional Cooperation Convention on the Suppression of Terrorism and that it was in the process of signing the International Convention for the Suppression of Terrorist Bombings.

7. The Government of Turkey observed in its reply that no nation was immune to the increased threat of international terrorism because of the confluence of new political circumstances and modern technological advances. It was therefore incumbent upon all States to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed. The Government also considered that terrorism constituted a flagrant violation of human rights and that non-State actors also had a secondary responsibility for the protection and promotion of human rights. Thus, in view of the threat terrorism posed to such human rights as the right to life, the right to live free from fear, and the right to liberty and to security, it could not be viewed only as a criminal matter. Finally, the Government of Turkey recalled the obligation of all States not to provide a safe haven for terrorists and emphasized the need to ensure that terrorists do not escape justice.

8. The Government of the Federal Republic of Yugoslavia forwarded three publications on terrorism.

9. The Government of Pakistan emphasized the tendency on the part of some States to discredit national liberation movements as terrorist organizations. On the other hand, certain terrorist groups sometimes sought legitimacy by portraying themselves as freedom fighters. The Government emphasized the link between human rights and terrorism in fact and law, as well as the threat terrorism posed for democratic society. The Government of Pakistan concluded by once again stressing the distinction between terrorism and struggles for self-determination and expressing the view that the study of terrorism and its impact on human rights should place equal emphasis on State-sponsored terrorism.

10. The full text of the replies received are available for consultation in the Secretariat.